

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY)
STATE OF WASHINGTON DEPARTMENT OF FISH AND)
WILDLIFE REQUESTING A CHANGE IN THE POINT)
OF DIVERSION AND PLACE OF USE OF WATER) Emergency Drought
UNDER RESERVOIR CERTIFICATE NO. 3568) Change Authorization

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Background

On September 26, 2001, the State of Washington Department of Fish and Wildlife filed an application to change existing water rights in Okanogan County. Fish rearing and acclimation on their lands is authorized under existing water rights subject to interruption under the Okanogan River Instream Resources Protection Program, WAC 173-549.

WAC 173-166-080 allows the state to authorize temporary transfers of water rights provided that the quantity used on the new place of use does not exceed that authorized on the original place of use.

Reservoir Certificate No. 3568

Reservoir Certificate No. 3568, with a priority date of March 18, 1949, was issued to State of Washington Department of Game and authorizes the storage of 10 acre-feet, 52 acre-feet and 175 acre-feet in three reservoirs located along Sinlahekin Creek. The purpose of use is for fish and wildlife enhancement. The reservoirs are located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, all in T. 37 N., R. 25 E.W.M. and Section 35, T. 38 N., R. 25 E.W.M.

The applicant proposes to release approximately 2.2 acre-feet of water from the reservoirs, allow it to flow down Sinlahekin Creek and the Similkameen River, and capture it at the Similkameen rearing pond located near the confluence of the Similkameen and Okanogan Rivers.

The new place of use of water is located on property currently providing non-consumptive fish rearing and acclimation under Surface Water Permit No. S4-29889P, which is subject to interruption when the Okanogan River falls below the minimum flow levels established in Chapter 173-549-900 WAC.

Permit No. S4-29889P was issued to Public Utility District No. 1 of Chelan County and authorized the non-consumptive use of 27.4 cubic feet per second(cfs) and 10,250 acre-feet of water for fish rearing and acclimation within a parcel of land described as:

All of Government Lot 6, Section 33, T. 40 N., R. 27 E.W.M., lying east of Okanogan County Road No. 9437. EXCEPT the north 418.00 feet of said Government Lot 6 and EXCEPT that portion of said Government Lot 6 lying south of a line beginning at a point on the east right-of-way line of Okanogan County Road No. 9437; whence the southwest corner of Government Lot 8, Section 33, T. 40 N., R. 27 E.W.M. bears south 13°18'18" west 1361.54 feet; thence running north 85°47'57" east 433.48 feet, more or less, to the west bank of the Similkameen River.

The new emergency point of diversion for Surface Water Certificate No. 3568 will be from the Similkameen River located approximately 1800 feet north and 1800 feet east of the southeast corner of Section 33, T. 40 N., R. 27 E.W.M., the same point of diversion authorized under Permit No. S4-29889P.

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Approximately 2.2 acre-feet of water would be diverted within approximately 3 hours during the month of October 2001 into the Similkameen rearing pond for fish rearing and acclimation.

Conclusions and Decision

Authorizing this transfer of water down river along the Similkameen River will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 2.2 acre-feet of water under Reservoir Certificate No. 3568 in Okanogan County to other property in Okanogan County described as follows:

All of Government Lot 6, Section 33, T. 40 N., R. 27 E.W.M., lying east of Okanogan County Road No. 9437. EXCEPT the north 418.00 feet of said Government Lot 6 and EXCEPT that portion of said Government Lot 6 lying south of a line beginning at a point on the east right-of-way line of Okanogan County Road No. 9437; whence the southwest corner of Government Lot 8, Section 33, T. 40 N., R. 27 E.W.M. bears south 13°18'18" west 1361.54 feet; thence running north 85°47'57" east 433.48 feet, more or less, to the west bank of the Similkameen River.

A water duty of 8.91cfs (4000 gallons per minute) and 2.2 acre-feet is authorized for use in the Similkameen rearing pond.

The point of diversion is an existing point of diversion located approximately 1800 feet north and 1800 feet east of the southeast corner of Section 33, T. 40 N., R. 27 E.W.M.

Provisions

The following provisions shall apply to this change authorization:

A measuring device approved by the Department of Ecology must be installed prior to use of the water.

Bi-weekly (every 2 weeks) readings of the measuring device shall be recorded and shall include the date and time of measurement, water flow rate, volume of water, and the name of the person taking the meter readings. Within 30-days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

This drought emergency authorization expires on October 31, 2001.

APPROVED BY: _____

Robert F. Barwin, Section Manager

DATE: _____

10/15/2001